HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Petition No.15759 of 2006

Between:

Patri Suryakumar … Petitioner.

And

The Government of Andhra Pradesh represented by its Secretary, Department of Revenue, Secretariat, Hyderabad and another.

… Respondents

:ORDER:

Counsel for the petitioner : Sri V.L.N.G.K. Murty

Counsel for Respondents : Government Pleader for Endowments.

3rd August, 2006

Per G.S. Singhvi, C.J.

In this petition, the petitioner has prayed for stay of order dated 15.7.2006 whereby Commissioner, Endowments Department, Andhra Pradesh, Hyderabad, in exercise of his power under Rule 8 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short '1991 rules') placed him under suspension.

We have heard Sri V.L.N.G.K. Murty, learned counsel for the petitioner and perused the record.

Admittedly, the Original Application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 is pending before the Andhra Pradesh Administrative Tribunal. The same is yet to be decided.

Sri Murty argued that failure of the Tribunal to entertain and dispose of the request made by the petitioner for staying the order of suspension should be construed as indirect dismissal of the application for stay and, therefore, this court may stay the order of suspension of the petitioner.

In our opinion, there is no valid ground or justification to entertain the prayer made by the petitioner for grant of interim relief during the pendency of the main case before the Administrative Tribunal. The petitioner has neither alleged mala fides against the Commissioner, Endowments nor he has been able to show that exercise of power by the officer concerned under Rule 8 of the 1991 rules is vitiated by patent

arbitrariness. Therefore, notwithstanding the fact that the petitioner is likely to retire from service after a period of one year, we do not find any valid ground to exercise jurisdiction of this Court under Article 226 of the Constitution of India for suspending the operation of order dated 15.7.2006.

With the above observations, the Writ petition is dismissed.

Needless to say that the petitioner shall be free to file appropriate application before the Tribunal for early disposal of the original application.

As a sequel to dismissal of the writ petition, W.P.M.P.No.19632 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

3rd August, 2006 **G.V. SEETHAPATHY, J**

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